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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,262	04/23/2001	Takashi Ikeda	NU-01008	1529
30743	7590	08/10/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			NGUYEN, CUONG H	
ART UNIT		PAPER NUMBER		3661

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/839,262	IKEDA, TAKASHI
	Examiner	Art Unit
	CUONG H. NGUYEN	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 May 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 42-45, 47-50 and 52-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-45, 47-50 and 52-58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This Office Action is the answer to the response for the amendment received on 5/23/2005, which paper has been placed of records in the file. Claims 42-45, 47-50, and 52-58 are pending; claims 46, 51, and 59-75 are canceled.

### **Priority**

2. This application claims priority of a Japanese Patent 176628/2000 dated 04/26/2000.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 42, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention;** that is the invention is directed to scheduling management; however, the only claimed actions are old and well-known steps of sending (communicating) information to other parties, the claimed “schedule managing” needs to be defined how to manage schedules. Claim 58 is directed to a “system” claim that depends on “a method” claim.

All pending claims contain fundamental limitations of how a scheduler works/structures – i.e., claims 42-45, 47-50, and 52-58 are drawn to a method for online managing information, comprising: sending, storing, and retrieving information about consumers and their purchases for a preselected term.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

**4. Claims 42-45, 47-49, 52-54, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Pat. 6,502,076).**

A. As to independent claim 42: Smith et al. inherently teach a method, comprising:

- (a) providing a server 12 connected to consumer terminals via a communication network (a consumer terminal can be in-store or at home, using customer's log-in ID; see Smith et al. Fig. 1, refs. 14, 24) and at least one database 28 to be reference by said server, for sending information on consumers (see Smith et al., Fig. 1, and col.1 lines 38-53);
- (b) storing the information in said database (see Smith et al., Fig.1 ref. 28, 32); and
- © obtaining related information stored in said database 28 (see Smith et al. the abstract, and Fig. 1); and classifying said information (see Smith et al., claim 29 "navigation category identifier", and Fig.4, ref. 74a).

In Smith et al.'s reference, a store terminal would be connected to a producer terminal via INTERNET CONNECTION 24 for related information - see Smith et al., the abstract & Fig.1 refs.32, 24).

This claim also is directed to Internet communication between a server and a product manufacturer (see Smith et al., Fig.1 ref. 24), wherein said server classifies the information stored in a database by attribute (i.e., defining a product based on name or structure of a field in a record of a database – see Smith et al., Fig.4, and col. 7 lines 48-

63) and sends said information to a product manufacturer – please note that a step of sending related information to another party is already old and well-known.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Smith et al. with a step of sending detailed information of a product to a producer for statistic and forecasting expected work-loads, and preparations because those value-able information via Internet are necessary and easy to obtain from a producer.

B. As to dependent claim 43: The rationales and reference for rejection of claim 42 are incorporated.

Smith et al. also teach about sending information to a customer about a product (see Smith et al. the abstract, col.1 lines 38-53, & Fig.1 ref.24).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Smith et al. with a step of sending detailed information of a product to a customer if he is interested on that product for a benefit of further educating a customer about that product's advantage.

C.As to claim 44: Smith et al. suggest that a server is connected to a retailer's terminal situated at a retail store via Internet (see Smith et al., Fig.1 ref. 14).

Smith et al. do not disclose that retailer is provided with authenticating means unique to said retail store; and the authenticating means is sent to said server for purchasing records.

However, the examiner respectfully submits that it is old and well-known for an authenticating step between a server and a retailer (i.e., through using a unique account and a specific password, the above authenticating process has been done, and when a

transaction happens would be recorded at the server); that practice would have been obvious in all communication via Internet from Smith et al.'s teaching.

D. As to claim 45: Smith et al. suggest of a retailer terminal sends information to a consumer. Smith et al. also send a consumer products (by visit preferred sites while surfing the Internet – see Smith et al., Fig.1) to a server whether or not the consumer has made a decision, and sends a result of consumer's decision to said retailer terminal (i.e., order a product, see Smith et al. claim 4).

E. As to claims 47, 52: The examiner respectfully submits that an attribute may comprises consumer's information (e.g., an address of a buyer).

F. As to claims 48, 53, and 56: The rationales and reference for rejection of claim 42 are incorporated.

The examiner respectfully submits that it is old and well-known that a manufacture gives a discount/coupon to a consumer/buyer (e.g. HP's computer) when that consumer/buyer has bought a product from that manufacturer.

G. As to claims 49, 54, and 57: The examiner respectfully submits that it is old and well-known that a manufacture gives a discount/coupon to a buyer when that buyer has bought a product from that manufacturer (e.g., if a buyer purchases a computer from Hewlett-Packard in Palo Alto, California – USA, a discount is applied for an upgrade from 256 MB RAM to 518 MB RAM from that purchased computer within a predetermined time).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Smith et al. with above old and well-known business practices for the benefit of promoting more purchases from buyers (e.g., a manufacturer starts to response a coupon from a customer when that customer requests for a discount, and

information about a refund schedule for that discount .etc.), and using a popular resource as Internet to effective communicate between involved parties.

**5. Claims 50, 55, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Pat. 6,502,076), in view of Mikurak (US Pat. 6,606,744).**

The rationales and reference for rejection of claim 49 are incorporated.

Smith et al. do not disclose that an incentive comprises a discount rate of the article to be purchased by the consumer.

However, Mikurak teaches that limitation (see Mikurak, "...different discount rates to merchants for complying with various data types", and Fig. 14, ref.156).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Smith et al. with a discount rate as part of transaction incentives taught by Mikurak for the benefit of promoting more purchases from buyers with many different formats of incentives (e.g., using a discount rate table).

***Response***

6. The pending claims are merely old and well-known interactive communication among involved parties (a seller, a buyer, and a manufacturer – wherein the manufacturer ONLY receives information from a seller/buyer) using a computer network. Examiner only sees a "vague" step of "sending to a producer terminal at least said information on consumers and said information on consumers' purchases or actions planned for a preselected term.", this merely a notifying step from a seller/buyer to a manufacturer – a very unclear step for scheduling. Pending claims are obvious.

There is a minor correction: "Inventive" in line 2 claim 54 should be – incentive --.

***Conclusion***

7. Claims 42-45, 47-50, and 52-58 are not patentable. The amendment necessitates a new ground of rejections (changing rejection grounds from 35 USC 102 to 35 USC 103(a)). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:30 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The fax phone number for the organization where this application is assigned is 703-305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CUONG H. NGUYEN  
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